

AMENDMENT FORM

Committee Finance / Executive

Page Number (s) 3

Ordinance I.D. # ~~02-0-0200~~ 7

Section (s) 3

Resolution I.D. # _____

Paragraph (s) First

Amendment: Insert a new Section 3 in place of the current Section 3. The current Section 3 shall be renumbered as Section 4. The new Section 3 will state as follows: This ordinance shall take effect on January 1, 2003.

Date: 2/07/02

Initials: wh

AMENDMENT FORM

Committee **Finance / Executive**

Page Number (s) 2

Ordinance I.D. # 02-0-0259

Section (s) 2

Resolution I.D. # _____

Paragraph (s) First

Amendment: Insert a new Section 2 in place of the current Section 2. The current Section 2 shall be renumbered as Section 3. The new Section 2 will state as follows: This ordinance shall become effective on January 1, 2003.

Date: 2/07/02

Initials: wh

**AN ORDINANCE
BY**

02-0 -0259

**AN ORDINANCE TO AMEND PART TWO,
SECTION 2-783 OF THE CODE OF
ORDINANCES OF THE CITY OF ATLANTA SO
AS TO INCREASE THE WAIVER OF
GOVERNMENTAL IMMUNITY FOR THE
SETTLEMENT OF CLAIMS ARISING FROM
THE OPERATION OF MOTOR VEHICLES
FROM \$2,000.00 TO \$25,000.00; TO REPEAL
CONFLICTING ORDINANCES; AND FOR
OTHER PURPOSES.**

WHEREAS, municipalities in the State of Georgia enjoy immunity from liability for damages caused by operation of its governmental functions; and

WHEREAS, the Georgia Constitution provides for the waiver of immunity by a municipality under certain circumstances; and

WHEREAS, the City of Atlanta currently waives its governmental immunity for the settlement of motor vehicle collision claims in an amount not to exceed \$2,000.00 per accident; and

WHEREAS, although the City Council increased the City's waiver to \$2,000 in 2000, indications are that this amount is insufficient to compensate some victims of motor vehicle collisions with significant property damages or personal injuries; and

WHEREAS, the City Council wishes to make the City's exposure in such instances more commensurate with the limits of consumer insurance policies; and

WHEREAS, increasing the amount which can be offered for settlement may aid in decreasing the number of lawsuits filed against the City for vehicle damage; and

WHEREAS, Code Section 2-4 is being amended contemporaneously herewith to increase the waiver of governmental immunity from \$2,000.00 to \$ 25,000.00; and

WHEREAS, the amendment of Code Section 2-4 requires that Code Section 2-783 be amended to resolve any conflicts in the ordinances.

**NOW THEREFORE BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA,
GEORGIA, as follows:**

Section One: That Part Two, Chapter Two, Article VII, Division 1, Section 2-783, Sub-paragraph (b) of the Code of Ordinances which currently read as follows:

(b) Immunity of city not waived. Nothing in this section shall be construed to constitute any waiver by the city of the governmental immunity afforded it under the laws and constitution of the state, except as specifically set forth in this section. This section shall not apply to those claims or judgments for damages of \$2,000.00 or less which are authorized pursuant to section 2-4 of this Code and which constitutes a waiver of governmental immunity only up to such amount. Nothing in this section shall be construed in any way to reduce or eliminate the rights of any officer or employee against any other party.

Be amended by deleting the foregoing in its entirety, and inserting the following in lieu thereof:

(b) Immunity of city not waived. Nothing in this section shall be construed to constitute any waiver by the city of the governmental immunity afforded it under the laws and constitution of the state, except as specifically set forth in this section. This section shall not apply to those claims or judgments for damages of \$25,000.00 or less which are authorized pursuant to section 2-4 of this Code and which constitutes a waiver of governmental immunity only up to such amount. Nothing in this section shall be construed in any way to reduce or eliminate the rights of any officer or employee against any other party.

Section Two: That Part Two, Chapter Two, Article VII, Division 1, Section 2-783, Sub-paragraph (h)(3) of the Code of Ordinances which currently read as follows:

(h) Payment of judgments or monetary settlements. Where the city has undertaken to defend civil actions brought against officers or employees as provided by this section, the city may, in its sole discretion, by resolution duly adopted and approved, pay all or any part of final judgments awarded against officers or employees by courts of competent jurisdiction or any amount payable as a monetary settlement of any such civil action, subject to the limitations and exclusions which follow:

*** * ***

(3) No sum in excess of \$2,000.00 shall be paid pursuant to this section for damages on account of bodily injury, death or property damage arising from the ownership, maintenance, operation or use of any motor vehicle by the city under its management, control or supervision, as provided for in section 2-4. and with respect to proprietary functions.

Be amended by deleting the foregoing in its entirety, and inserting the following in lieu thereof:

(h) *Payment of judgments or monetary settlements.* Where the city has undertaken to defend civil actions brought against officers or employees as provided by this section, the city may, in its sole discretion, by resolution duly adopted and approved, pay all or any part of final judgments awarded against officers or employees by courts of competent jurisdiction or any amount payable as a monetary settlement of any such civil action, subject to the limitations and exclusions which follow:

*** * ***

(3) No sum in excess of \$25,000.00 shall be paid pursuant to this section for damages on account of bodily injury, death or property damage arising from the ownership, maintenance, operation or use of any motor vehicle by the city under its management, control or supervision, as provided for in section 2-4.

Section Three: That all ordinances or parts of ordinances in conflict herewith are hereby repealed.

January 23, 2002 (3:30pm)Law